

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

NOW ON THIS 5th day of August, 2008, this matter comes on before the Court upon Plaintiff's Motion for Default Judgment and Decree of Forfeiture [40] against the Defendant and any unknown claimants. Plaintiff is presently represented by Nancy A. Svoboda, Assistant United States Attorney. The Defendant is not present, neither personally nor through counsel. No Claimants are present, neither personally nor through counsel. Upon review of the record of this case, the Court, being duly advised in the premises, finds as follows:

1. A Complaint for Forfeiture was filed herein on August 10, 2007. A Warrant for Arrest *in Rem* was issued by this Court and was properly executed on the Defendant property by the United States Marshal.
2. Publication of the notice of this action and of the arrest of the Defendant property was duly made pursuant to Order of this Court dated August 14, 2007.
3. On August 10, 2006, Yolanda Elliott-Houge was personally served notice of the Verified Complaint, Notice of Seizure and Procedure and Warrant *In Rem* by the United State Marshals Service .

4. On August 30, 2007, a Claim and Answer contesting the forfeiture of the defendant property was filed by attorney Adam Tucker on behalf of Claimant, Jesus Holguin.

5. On August 1, 2008, a hearing was held regarding the motion of Adam Tucker for leave to withdraw as Claimant's attorney. The Court granted the motion. Jesus Holguin further requested on the record that the Court withdraw his Claim and Answer. The Court further granted this request and Jesus Holguin's Claim and Answer were withdrawn.

6. No other claim or answer has been filed by any other person or entity claiming an interest in the defendant property.

7. The Plaintiff's Request to Enter Default was granted by this Court on August 4, 2008.

8. Plaintiff's Motion for Default Judgment and Decree of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. The plaintiff's Motion for Default Judgment and Decree of Forfeiture [40] is hereby sustained.

B. All right, title or interest in or to the Defendant property held by any person or entity is hereby forever barred and foreclosed.

C. The Defendant property be and the same hereby is forfeited to the United States of America.

D. The Defendant property shall be disposed of by the United States Marshal for the District of Nebraska in accordance with law.

DATED August 5, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge